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Grouse River Outfitters, Ltd.

6 UNITED STATES DISTRICT COURT FOR THE
7
8 NORTHERN DISTRICT OF CALIFORNIA
9 San Francisco Division

10 GROUSE RIVER OUTFITTERS, LTD.,

11 Plaintiff,

12 vs.

13 NETSUITE, INC.,

14 Defendant.

CASE NO. 16-CV-02954 LB

**SUPPLEMENT TO GROUSE RIVER'S
MOTION TO COMPEL DEPOSITIONS
AND RESUMED DEPOSITIONS
BECAUSE OF DEPOSITION ABUSE –
PAUL CLARK DEPOSITION
TRANSCRIPT**

November 1, 2018

9:30 a.m.

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18 The motion of plaintiff Grouse River Outfitters, Ltd. (“Grouse River” or “GR”) to compel
19 depositions and resumed depositions because of deposition abuse (ECF Doc. 121) noted that
20 Grouse River did not yet have the transcript of Paul Clark a consultant for NetSuite, Inc.
21 (“NetSuite” or “NS”) on the Grouse River project, but that Grouse River would supplement the
22 motion when it had the Clark Transcript.

23 It is attached as **Exh. 4** to the accompanying declaration. It continues the same pattern of
24 improper objections, obstruction and coaching by NetSuite (who are also now Mr. Clark’s)
25 counsel found in the previous depositions, and more.
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Obstruction and coaching of the witness can be found at 8, 17, 18, 19, 20, 21-22, 22, 23, 27, 32, 34-35, 37, 43, 45, 47-48, 48-49, 51, 53, 54-55, 60-61, 70-71, 74-75, 81, 94, 101, 101, 107, 112, 124, 139, 148-49, 153, 154, 154-55, 155-56, 156-57, 157-58.

“Facts not in evidence” objections appear at 9, 27-28, 41, 46, 75, 81 and 137. “Vague and ambiguous” objections are at 10, 13, 15, 17, 19, 19, 26, 29, 32, 40, 64, 64, 69, 73, 73, 81, 87, 101, 108, 137. “Speculation” or “potential speculation” objections were made at 8, 13, 16, 41, 46, 64, 93, 101, 107, 108, 112. “The document speaks for itself” was raised at 38, 93, 94, 101, 103, 113, 113-14 and 116. Unfounded “lack of foundation” objections appear at 9, 27-28, 40, 41, 44, 45, 46, 73, 75, 81, 137. Improper “compound” objections are at 39, 40, 41, 44, 45, 46, 113, 137.

One particularly curious objection appears at 116:

Q. The first e-mail in this chain referring to a credit memo problem is dated December 19, 2014. That’s on the last page. Do you see that?

MR BYRNE: I’ll object. The document speaks for itself.

A number of them are strung together like a child’s bracelet. The winner is the litany “argumentative, assumes facts not in evidence, calls for speculation, lacks foundation, and compound” at 41, 137, 137, 137, with a slight variant at 81. The reader comes away with the distinct impression that Mr. Clark has been indoctrinated with the notion that if two or more objections are strung together at the same time, a sort of Talismanic frame, his default response must be “I don’t recall.”

September 24, 2018

/s/ Loren Kieve

Loren Kieve

Counsel for Grouse River Outfitters, Ltd.